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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,139	08/30/2006	Johannes Georg Schaede	1322.1126101	7781

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CROMPTON, SEAGER & TUFTE, LLC  
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SUITE 800  
MINNEAPOLIS, MN 55403-2420

EXAMINER
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EVANISKO, LESLIE J

ART UNIT	PAPER NUMBER
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2854

MAIL DATE	DELIVERY MODE
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08/19/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/591,139	SCHAEDT, JOHANNES GEORG	
	<b>Examiner</b>	<b>Art Unit</b>	
	Leslie J. Evanisko	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 13 and 14 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 7-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08-30-2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This application is in condition for allowance except for the following formal matters:

#### **Priority**

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### **Election/Restrictions**

3. In view of the amendment dated April 20, 2009, the restriction requirement between inventions I and II, as set forth in the Office action mailed on April 1, 2009, has been reconsidered and is hereby withdrawn.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

### **Claim Objections**

4. Claims 7-12 are objected to because of the following informalities:

With respect to claim 7, line13, it is suggested that the term “of” (first occurrence) be deleted and replaced with --between-- to use more accurate language since the independent motor has been only been recited as driving the printing cylinder and therefore the relative speed *between* the printing cylinder and chain gripper is varied by the regulating means acting on the independent motor.

Appropriate correction and/or clarification is required.

### **Allowable Subject Matter**

5. Claims 1-6 and 13-14 are allowed.
6. Claims 7-12 are objected to for the reasons set forth above , but would be allowable if rewritten to overcome those objections to the satisfaction of the Examiner.
7. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claim 1 in particular, the prior art of record fails to teach or fairly suggest a process for printing including all of the process steps as recited, in combination with and particularly including, the chain speed  $V_c$  of the chain gripper system and the printing cylinder speed  $V_{pc}$  of the printing cylinder are synchronized such that the gripper of the chain gripper system enters the cylinder pit at the trailing edge of the cylinder and wherein the chain speed  $V_c$  and the printing cylinder speed  $V_{pc}$

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are then relatively modified such that the gripper arrives at a leading end of the printing cylinder when ink starts to be deposited on the sheet being printed.

With respect to claim 7 in particular, the prior art of record fails to teach or fairly suggest a printing machine having all of the structure as recited, in combination with and particularly including, the printing cylinder being driven by an independent motor and the printing machine including regulating means acting on the independent motor in order to vary the relative speed between the printing cylinder and the chain gripper system, such that the chain speed  $V_c$  of the chain gripper system and the printing cylinder speed  $V_{pc}$  of the printing cylinder are synchronized such that the gripper of the chain gripper system enters the cylinder pit at the trailing edge of the cylinder and wherein the chain speed  $V_c$  and the printing cylinder speed  $V_{pc}$  are then relatively modified such that the gripper arrives at a leading end of the printing cylinder when ink starts to be deposited on the sheet being printed.

### Conclusion

8. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on T-F 8:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*/Leslie J. Evanisko /*  
Leslie J. Evanisko  
Primary Examiner  
Art Unit 2854

lje  
August 16, 2009